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Drones: The Moral Ups and Downs

Drones, UCAVs, UAVs, RPAS – whatever the label, what they have in common is the extreme reaction that they provoke in many people. Advocates of the technology are enthusiastic about the opportunities and the capabilities that present themselves to both policy-makers and practitioners, while critics see a dangerous slippery slope heading towards some kind of technologically-inspired hell, with wars being fought by killer robots and little or no moral accountability for the deaths of the innocent. The debates can be extremely polarised and, as with most complex situations, there is often a good deal of confusion as to what exactly is being argued about.¹ This makes reaching a considered view rather difficult. This article will present a brief, hopefully balanced, account of some of the more profound ethical implications of recent developments in drone technology.² It is perhaps useful to divide up the huge number of potential issues and explore them under discrete headings.

Autonomous Killing

One of the biggest fears people have about new military technology is the idea of “killer robots”. Cold, calculating, emotionless machines sent out, Terminator-like, to eliminate any and all identified threats. It is hardly surprising that the MoD have chosen to re-brand their Unmanned Aerial Vehicles (UAV) and replace them with the much less threatening Remotely Piloted Air System (RPAS) title. The new term emphasises the person *in control* of the system rather than the idea that he or she is missing completely from the platform. However, in that sense, the new name is a lot more accurate because there *is* a person in charge. While drone technology is sophisticated enough to permit a wide range of automated functions, from taking off and landing though to remaining loitering over a particular geographic area for many hours at a time, there is still a person supervising what it is doing and it certainly does not make life and death decisions on its own. According to psychologist and technologist Professor Noel Sharkey, this is a very good thing indeed as it is clear that even with all the developments in Artificial Intelligence (AI) over the past 20 years, there is still no system that is even close to being able to discriminate between a combatant and a non combatant in a combat zone.³ As a consequence of the current technological situation, the current UK position is very clear: ‘A fully autonomous system would have to be capable of making the qualitative assessments currently

¹ For example, while some people are very critical of drones, it quickly becomes obvious that what they actually object to is drones being used to carry out ‘targeted killings’. The contentious policy of ‘targeted killing’ is unfortunately beyond the scope of this chapter. Although it is at present heavily associated with drones, there is no logical reason that it cannot be accomplished using less remote tools. For an exploration of some of the moral issues specifically relating to this, see D Whetham, ‘Drones and Targeted Killing: Angels or Assassins?’, in BJ Strawser (Ed), *Killing by Remote Control: The Ethics of an Unmanned Military* (Oxford: OUP 2013). See also Michael Gross, *Moral Dilemmas of Modern War: Torture, Assassination and Blackmail in an Age of Asymmetric Conflict* (Cambridge: Cambridge University Press, 2010), particularly Ch. 5.

² The text presented here is an adapted and updated version of D Whetham, ‘Remote Killing and Drive-By Wars’, in D Lovell & I Primoratz (Eds), *Protecting Civilians During Armed Conflict: Theoretical and Practical Issues During Violent Conflict* (Ashgate, May 2012).

³ Noel Sharkey, ‘The Life Scientific’, *BBC Radio 4*, 29 January 2013.

required by the Law of Armed Conflict, until this is possible, the human must remain within the decision-making process.’⁴

However, it is worth noting Sharkey’s concern that the research into AI systems in terms of target selection etc. is being enthusiastically pursued in many places even if the systems are not currently being equipped with actual weaponry. If, or more likely when, the military situation changes at some point in the future, politicians who have been seduced by the promises of casualty-less conflicts *will* give the order to arm such systems and unless there are global initiatives akin to the anti-personnel landmine ban, we will see killer robots choosing their own targets in the not too distant future.⁵ This will indeed raise some profound ethical challenges, not least over the question of responsibility.

Killing at a Distance

There are many ways to separate the ‘shooter’ from the ‘effect’. Of course, ‘standoff’ weapons themselves are nothing new. There is a spectrum of standoff: a rock thrown a few meters might be at one end, while a Tomahawk Cruise Missile might be at the other. A soldier with a sniper rifle, able to watch a target through a scope from a distance of several kilometres before pulling the trigger, is also clearly on the standoff spectrum, as is a fast jet pilot delivering close air support for those on the ground. Clearly, the drone’s degree of remoteness is much greater when considering that the operator routinely sits many thousands of miles away from where the drone is actually flying its mission, but is there really any moral difference between the soldier looking down the rifle scope, the drone operator looking at a screen, or the weapons engineer turning the launch key? One of the obvious differences is that however safe the sniper is, or however far removed the missile platform is from the front line, they are still *in*, *over* or at least *near* the theatre of operations, sharing certain risks, risks that the drone operator is simply not concerned with. But why does this matter? If their actual actions are going to be the same whether they are flying a plane or piloting a drone, surely it would be perverse to insist on using a manned platform to achieve exactly the same outcome. Why would you put your own personnel at risk in this way and claim this was somehow ethically preferable to not putting them at risk? BJ Strawser suggests there might actually be a moral imperative at work here that compels the West to pursue and deploy this type of technological development in greater numbers. We should not order someone to take unnecessary risks when there are alternative methods available that can achieve the same results but are less risky for those taking part.⁶ There does appear to be a clear common sense requirement to reduce risks to one’s own personnel where it is possible to do so. As a program manager at Honeywell puts it: ‘every time a T-Hawk goes down it means a human didn’t.’⁷ That is surely a good thing, isn’t it? As long as you can achieve the same effect without putting people in harm’s way, it is ‘wrong to command someone to take on *unnecessary* potentially lethal risks in an effort to carry out a just action for some

⁴ Wing Commander Alison Mardell, ‘Unmanned Aerial Vehicles – The Legal Perspective’, *Air Power UAVs: The Wider Context* (Northolt, UK: Ministry of Defence, 2009), p.82.

⁵ Sharkey, ‘The Life Scientific.’ For discussions on some of the ethical implications of fully autonomous weapon systems, see ‘Special Issue: Ethics and Emerging Military Technologies’, *Journal of Military Ethics*, 9/4 (2010).

⁶ B.J. Strawser, ‘Moral Predators: The Duty to Employ Uninhabited Aerial Vehicles’, *Journal of Military Ethics*, 9/4 (2010), pp.342–68.

⁷ Andrew Simms, ‘A Magnificent Man and His Flying Machines’, *Soldier Magazine* (October 2010), p.37.

good'.⁸ On the face of it, this appears to be a strong argument in favour of using more drones rather than less.

Accountability

By highlighting the potentially huge distances between what is happening on the ground and the person directing it, it is easy to raise the question of accountability of those people for their actions. The person who has been targeted by a drone will probably remain completely unaware of the weapon system, let alone the operator, until their world, quite literally, comes crashing down, while the marine squad on the ground has no idea who is controlling the faceless drone in the skies above them when they call in fire support. What happens if something goes wrong? It is not as if one can just jot down a name from an ID badge. While it is, of course, always a question of how the technology is employed in practice, the very nature of this technology actually offers a much higher degree of oversight than in virtually any other area of military activity. Many of this author's conversations with military personnel recently returned from operations in Afghanistan highlight the complete lack of effective scrutiny in theatre; no journalists are foolhardy enough to be embedded on long-range patrols so there is no media presence and such teams can be out of contact with their own people for extended periods. It is easy to see how what happens in the desert might well stay in the desert as a result.⁹ However, nothing could be further from this for the drone operator - every movement of the joystick, every frame of camera footage and therefore every decision (or indeed hesitation or omission) of the operator is recorded and can be poured over at great length following any incident. There is nowhere to hide from a bad decision if the military wishes to use that information (and recent experience suggests that if they do not, Wikileaks will ensure that action is taken eventually).

That on its own would appear to offer a profound restraint on any trigger-happy behaviour; however, it goes further than this. While recognising that the study was done in very particular circumstances in Iraq and that a great deal of work has been done to correct these attitudes since, the 2006 Mental Health Advisory Team (MHAT) IV research showed that 45 per cent of US soldiers and 60 per cent of marines surveyed stated that they would not report a fellow unit member for killing an innocent non-combatant. These figures rise to 57 and 70 per cent respectively for not reporting a fellow unit member for unnecessarily destroying private property.¹⁰ Adequate oversight – fear of being caught – is one of the ways that such attitudes and behaviour can be adapted and changed.¹¹ While the thought of drones being used to spy on friendly forces as well as hostile ones is not necessarily palatable to everyone, the fact that the whereabouts of such assets is generally unknown but that when present they are perfectly capable of seeing events on the ground in intimate detail means that there is at least a chance of having misdemeanours captured on film. Knowing or even thinking that there is a small chance of someone watching might

⁸ Strawser, 'Moral Predators', p.344.

⁹ For a disturbing account of what can happen when effective oversight is lacking, see Mark Boal, 'The Kill Team', *Rolling Stone*, 27 March 2011, <<http://www.rollingstone.com/kill-team>>

¹⁰ Mental Health Advisory Team IV, *Operation Iraqi Freedom 05-07: Final Report*, 17 November 2006, p.37, <http://www.armymedicine.army.mil/reports/mhat/mhat_iv/MHAT_IV_Report_17NOV06.pdf>

¹¹ See Paolo Tripodi, 'Understanding Atrocities' (pp.173–88), and the chapter by Peter Wall (pp.221–9) in Whetham, in David Whetham (ed.), *Ethics, Law and Military Operations* (Basingstoke: Palgrave, 2010).

help improve questions of accountability far beyond just the operator of the drone itself.

Precision (and its Paradox)

While it is obvious, it is still necessary to add the caveat that just because something is capable of being used in a particular way that does not mean that it actually will be. In that sense drones are exactly the same as any other military technological development throughout history: anything is potentially open to abuse or can be put to use in pursuit of illegitimate ends. However, in terms of precision, many of the advantages of the latest drone technology, when used appropriately, appear obvious. Rather than having to saturate a target with multiple sorties in order to have confidence in its destruction, the same military outcome can be achieved with fewer and smaller weapons due to their improved accuracy. The resulting reduction in foreseeable but unintended and unwanted civilian death and destruction – collateral damage – is therefore significant.¹² By using drones, no pilots need to put their lives at risk at all, as the platform can be controlled far from the theatre of operations. ‘Such weapons can therefore help to preserve life from both perspectives (and are more financially efficient into the bargain).’¹³

Of course, sometimes things do go wrong. Any system is only as good as the information that goes into it. Accidents and mistakes do happen – from accidentally destroying the Chinese Embassy in Belgrade in 1999 through to bombing wedding parties, such as in Wech Baghtu, Afghanistan, in 2008.¹⁴ One report that looked at the use of UAVs in Pakistan’s remote tribal areas concluded that ‘32 per cent of those killed in drone attacks since 2004 were civilians’.¹⁵ While civilian deaths caused by such accidents are obviously highly regrettable, the fact that they took place at all leads some to the idea that they must have been intended in the first place. The argument is that if the weapons are as accurate as we make out, surely, whatever those weapons hit must be the intended target – the paradox of precision.¹⁶ The importance of managing expectations and not creating an erroneous mythology surrounding the West’s ability to carry out attacks with pinpoint accuracy is essential, as is an understanding by policy makers that just because the technology has the potential to be extremely accurate that does not mean that there will not be civilian casualties. Despite what propaganda might claim, warfare has never been clinical in this sense and is unlikely to suddenly become so as long as the fog of war and friction – all of the factors out of one’s control that stop things working in the way one intends – persist. The situation is exacerbated when an opponent deliberately seeks to ‘draw the

¹² Singer notes that in World War II, it took an average of 108 planes to successfully prosecute each target. In Afghanistan 60 years later, each aircraft could be expected to successfully engage more than four different targets per sortie. See P.W. Singer, *Wired for War: The Robotics Revolution and Conflict in the 21st Century* (New York: Penguin, 2010), p.100.

¹³ David Whetham, ‘Ethics, Law and Conflict’, in David Whetham (ed.), *Ethics, Law and Military Operations* (Basingstoke: Palgrave, 2010), p.20.

¹⁴ ‘Embassy Strike “A Mistake”’, *BBC News*, 8 May 1999, <<http://news.bbc.co.uk/1/hi/world/europe/338557.stm>>; ‘Karzai Says Air Strike Kills 40 in Afghanistan’, *Reuters*, 5 November 2008, <<http://www.reuters.com/article/2008/11/05/us-afghan-violence-idUSTRE4A44EW20081105>>

¹⁵ ‘One in Three Killed by US Drones in Pakistan is a Civilian, Report Claims’, *The Telegraph*, 4 March 2010, <<http://www.telegraph.co.uk/news/worldnews/asia/pakistan/7361630/One-in-three-killed-by-US-drones-in-Pakistan-is-a-civilian-report-claims.html>>

¹⁶ Whetham, ‘Ethics, Law and Conflict’, p.21.

foul', as it is known in basketball: placing themselves in a situation from which to do harm when they know that any military response will either violate, or be perceived as violating, the rules of *in bello* by creating substantial numbers of civilian casualties.¹⁷ The decision to abort an attack with Storm Shadow missiles on a mission over Libya in 2011 rather than risk killing civilians allegedly being used as 'human shields' illustrates this dilemma only too well.¹⁸ Of course, as with so many other issues, this is not a problem unique to drones, but rather an issue for all military activity in the contemporary operating environment.

Moral Disconnection

There is an innate reluctance in many, if not most, people to kill. This inhibition – necessary for civilised society to function – has to be overcome by military training to allow individuals to achieve emotional distance from their enemies and thus enable the individual to kill.¹⁹ One of the tools traditionally employed to get people to kill each other is dehumanization – the promotion of a sense of 'otherness' in the group that is deemed to be a threat. Those who fall into such a group can then be perceived as 'non-entities, expendable or undeserving,' making the act of killing them easier to carry out.²⁰ After Prince Harry compared his job as a co-pilot gunner in an Apache gunship to a game on a video console,²¹ it is easy to see how some people would wonder about the moral effect of killing when they are just pixels on a screen and there is no need to look anyone 'in the eye'. How much easier, then, must this be if the person 'pulling the trigger' is 8,000 km away to begin with? Does this make the act of killing using standoff weapons or drones easier as far as one's conscience is concerned? Grayling notes that Royal Air Force (RAF) bomber crews in World War II could unleash their bombs from 20,000ft and knowingly kill hundreds or even thousands of women and children. If, however, you gave the same bomber crew a knife and told them to slit the throats of the family in the room next door, they would not be able to do it.²² Physical separation appears to also provide some moral distance in order to make such actions easier to carry out, even to the extent of making terrible things possible. Interviews with contemporary military pilots with combat experience show that they tend to agree that 'not only are decisions to kill [from the air] rarely

¹⁷ See Michael Skerker, 'Just War Criteria and the New Face of War: Human Shields, Manufactured Martyrs, and Little Boys with Stones', *Journal of Military Ethics*, 3/1 (2004): 28. That lessons are being learnt might be indicated by the apparent reduction in civilian deaths associated with drones. For example, see Ken Dilanian, 'CIA Drones May Be Avoiding Pakistan Civilians', *The Sacramento Bee*, 7 March 2011, <<http://www.sacbee.com/2011/02/21/3419750/cia-drones-may-be-avoiding-pakistan.html>>

¹⁸ Ian Dury, 'Mission Aborted on Orders of SAS', *HMForces.co.uk*, 22 March 2011, <<http://www.hmforces.co.uk/news/articles/6375-mission-aborted-on-orders-of-sas>>

¹⁹ See Dave Grossman, *On Killing: The Psychological Cost of Learning to Kill in War and Society* (Boston: Little Brown, 1996).

²⁰ Susan Opatow, 'Moral Exclusion and Injustice: An Introduction', *Journal of Social Issues*, 46/1 (Spring 1990). See also Edward Tick, *War and the Soul: Healing Our Nation's Veterans from Post-Traumatic Stress Disorder* (Wheaton, Ill.: Quest Books, 2005), pp.82 ff.

²¹ Jon Boone, 'Taliban retaliate after Prince Harry compares fighting to a video game', *The Guardian* 22 January 2013, <<http://www.guardian.co.uk/uk/2013/jan/22/afghanistan-taliban-response-prince-harry>>

²² For a fascinating and balanced discussion of these issues, see A.C. Grayling, *Among the Dead Cities* (London: Bloomsbury, 2006).

perceived as emotionally charged, the death of friendly, yet physically distant combatants is emotionally dulled'.²³

It would appear that the process of alienation of each side from the other due to reliance upon remote killing might be enhanced by the lack of actual contact. Whether this is a roadside improvised explosive device (IED) for which people bid money over the Internet to win the right to detonate the bomb and watch the results on a web-link or a drone operator wasting tiny avatars on a computer screen, it is difficult to see how you can have the essential mutual respect that combatant equality – the bedrock of the law of armed conflict – requires. If a faceless enemy can be so demonised, it is easy to see how lines can become blurred and civilians can come to be seen as just another target.

Not everyone who is physically distant, however, can emotionally separate themselves from their actions or other events on the ground. An American World War II veteran recalled his first mission over Europe as he opened his aircraft's bomb-bay doors: 'He felt terrible resistance, nausea, sickness, headaches, despair. He couldn't do it, but his crew chief screamed at him, "Now! Now!" If he didn't, the mission would be a failure and it would be his fault. He finally pushed the button. Then he vomited.'²⁴ Of course, this refers to an act that was part of a total war in which large-scale, devastating attacks on civilian populations were common rather than the type of highly accurate, precision-targeting policies of wars of choice in the contemporary age. Still, the moral comfort that distance can provide might not extend as far as many would think. Just because the target is being viewed through a TV screen rather than a rifle sight that does not mean that taking life has no affect on the person pulling the trigger. Perhaps surprisingly, there are examples of post-traumatic stress disorder (PTSD) among drone pilots who have never even set foot in the theatre of military operations.²⁵

One wonders if operating a drone for offensive missions in the contemporary operating environment might actually be closer to the experience of military snipers.²⁶ Snipers, too, are separated by distance, but can also be intimately aware of their target, much like the drone operator with their real-time video feeds who might be tracking a target for hours before the decision is taken to strike. A sniper deployed in Iraq recalls:

Theoretically, sniping was supposed to be a matter of clinical, dispassionate killing. 'Even when we were in Iraq, killing Iraqis, it was target one, target two. Target one's on the left; target two's on the right. OK, scan target one. Target one's down. Scan target two. Fire. Target two's down. That's it. They're just targets; you try to convince yourself of that.' [However] imagining a man purely as a target was not easy when you had to aim specifically at him and fire and then watch him fall over, screaming and arching his back in agony.²⁷

²³ Tucker-Lowe, *Does the Advent of Uninhabited Systems Fundamentally Affect the Ethical Landscape of Contemporary Conflict?*, Defence Research Paper (Unpublished Defence Studies MA Dissertation, King's College, London, July 2010), p.11.

²⁴ Tick, p.91.

²⁵ For example, see Jane Mayer, 'The Risks of a Remote-Controlled War', *National Public Radio*, 21 October 2009. This is also discussed in Singer, *Wired for War*.

²⁶ Dave Cummins, an RAF Reaper operator based at Creech Airforce Base near Las Vegas made precisely this observation on 'World at One', *BBC Radio 4*, 4 January 2013.

²⁷ Jeff Sparrow, *Killing: Misadventures in Violence* (Carlton, Vic.: Melbourne University Press, 2009).

Drone footage can be just as graphic and one wonders whether the geographic dislocation is actually providing moral dislocation at all, or at least any dislocation greater than that experienced by a sniper.²⁸ An RAF RPAS operator noted that:

a day, two days, maybe a month can be spent watching and then when it happens, we don't leave once we've dropped the weapons, we stick around for battle damage assessment and because of the way of the Muslim faith - they like to bury their dead before the sun goes down - generally you will see the funeral procession, the women and children arrive, it can be very emotional and that's one of the things they're looking for to make sure that that doesn't turn into a problem in ten, fifteen years.²⁹

On the other hand, even if it is not clear that the geographic disconnection actually makes killing (or at least dealing psychologically with the results of killing) any easier, it has to be the case that the absence from the physical situation has some clear implications for the effectiveness of the drone operator. Because the operator is not directly at risk, they have a number of options that a person physically in harm's way can probably not afford. Another drone operator refers to this as the ability to 'step back and have a bit more of a Hamlet moment as it were...you can hopefully double-check what you're doing is correct'.³⁰ This detachment provides time and space for decision making that is, quite literally, a world away from that experienced by those soldiers on the ground or even pilots in hostile airspace. The ability to remain cool, calm and detached arguably allows better decisions to be taken in the heat of battle.

There are undoubtedly situational awareness issues linked to available bandwidth, potential time delays and the physical limitations of the information feeds, but these are all technical issues that are constantly being minimized or ameliorated. At the same time, one might expect that the quality of the decisions being made should be getting better and better. For example, the Mental Health Advisory Team report cited above makes a strong correlation between anger and the mistreatment of non-combatants. It also suggests that soldiers and marines who were members of units that had suffered casualties were more likely to treat civilians in negative ways.³¹ If there is some emotional distance between the drone operator and the events on the ground, presumably, such factors will have less influence on behaviour. 'Once fear for their own safety is not a pressing concern, one would assume the operator would be more capable, not less, of behaving justly.'³² Tripodi argues that the ability to remain slightly detached from one's immediate situation is one of the attributes of a good commander.³³ If so, the enforced detachment of the drone operator might well be a positive thing.

Grossman, in his powerful book *On Killing: The Psychological Cost of Learning to Kill in War and Society*, notes that it is those who do not dehumanize their opponents who are most likely to be able to deal with the aftermath of war and go on to lead happy and productive lives. If it is true that the innate (or at least the socially programmed) inhibitions do not need to be overcome in the same way for drone operators as they do for, say, infantry who need to be prepared to close with and then kill the enemy, the psychological repercussions of war might be significantly reduced. It will be interesting to see if incidences of PTSD among drone operators in

²⁸ This emphasizes the idea introduced above that, in many ways, remote killing is in reality a spectrum rather than sharp differentiation. There is a connection between the Lancaster bomber crews in World War II and the English and Welsh archers at Agincourt in 1415.

²⁹ Cummins, 'World at One'.

³⁰ Individual referred to only as Fire Control Officer, 'World at One'.

³¹ Mental Health Advisory Team IV, pp.38-9.

³² B.J. Strawser, 'The Duty to Employ Uninhabited Aerial Vehicles', *Journal of Military Ethics*, 9/4 (2010), p.353.

³³ Tripodi, 'Understanding Atrocities', pp.185-6.

the longer term turn out to be significantly different to those who are physically present in the battle space.

The distance between the drone and the operator can also raise the question of whether the operator needs to be a combatant at all or whether civilians can undertake such roles. Whilst it is not necessarily unlawful for a civilian to take direct part in hostilities, they do lose their immunity from attack while doing so. That means they may be directly targeted and, if captured, they will not be recognized as combatants or receive the protection of prisoner-of-war status.³⁴ Of course, if the civilian operator is in a different country to the actual military operation, this might seem to be a small or acceptable risk to take but it needs also to be remembered that civilians employing lethal force that is not in direct self-defence may be charged with murder. 'Therefore, allowing civilians to operate drones during armed conflict may have significant implications for them if their activity amounts to a direct part in hostilities.'³⁵

Does the removal of physical risk mean that drone operators are not really at war at all? Are even those in uniform actually fellow combatants? Apart from these existential questions, this also raises some interesting dilemmas over the nature of direct and indirect participation in conflict that the geographic separation from the battlefield might appear to cloud a little. If a man drives his brother to plant an IED, he might be a civilian, but he is facilitating the planting of the device and can therefore be considered to be directly participating in hostilities at that time. As such, he may be legitimately targeted while carrying out this role. Compare this with a husband on the morning school run dropping his officer wife at work at an airforce base in Nevada where she will be piloting a drone employed in offensive operations. Doesn't he, too, become a direct participant in hostilities while acting as chauffeur? This has implications for the way we need to think about the contemporary operating environment and the changing moral landscape it generates. Some of these challenges were acknowledged by the same RPAS operator cited above who noted that his hour-long commute was important for adjusting from home life to combat mentality:

it gives you time to adjust - you do have to be in the right frame of mind to do this. You are carrying munitions and weapons that can end lives so its not the kind of thing where you can enter the box worried about the next mortgage payment or worried about how the kids are going to get to school tomorrow.³⁶

Asymmetric Implications

Another area of military activity in which drones might create a particular ethical challenges is with the potential mismatch between opponents. The asymmetrical threat concept normally focuses attention on those hostile agents who seek to turn the tables on the sophisticated military machines they oppose by not playing the same game. This can range from adopting hit-and-run-style guerrilla attacks that prevent the preponderance of military power being brought to bear through to using IEDs against dismounted troops or their vehicles. It is important to recognize, however, that there is another side to this asymmetrical reality: using remotely piloted drones against those who cannot counter them is just as asymmetrical as using IEDs. This does not seem to me to be particularly controversial, rather it is just recognizing that one normally seeks to exploit an opponent's weakness rather than attacking their strength. Conducting a war from thousands of metres in the air without even being in

³⁴ Mardell, 'Unmanned Aerial Vehicles', p.79.

³⁵ Ibid.

³⁶ Cummins, 'World at One'.

the same hemisphere as the weapon might be seen, however, to be taking such an asymmetry to the extreme. Any military activity carried out by a technologically sophisticated protagonist against a less sophisticated one is inherently asymmetrical. Singer notes Arthur C. Clarke's observation that '[a]ny sufficiently advanced technology is indistinguishable from magic'.³⁷ Is it even ethical to use such magic on those who cannot employ it themselves? Münkler suggests: 'The pilot of a fighter-bomber or the crew of a man-of-war from which Tomahawk rockets are launched are beyond the reach of the enemy's weapons. War has lost all features of the classical duel situation here and has approached, to put it cynically, certain forms of pest control.'³⁸ This feeling – evocatively captured here – is a common concern when determining the proportionality of one's response within the criteria provided by the *in bello* category of the Just War Tradition. War can become 'like playing God from afar, just with unmanned weapons substituted for thunderbolts'.³⁹ Disturbing though these images might be, the question is, however, fundamentally misguided if it is motivated by a concern to create a level playing field: 'the principle of proportionality is not about being fair, it is about not using more force than is necessary to achieve the required ends.'⁴⁰ It would be morally perverse to avoid any weapon that one's opponent did not have access to, thereby eschewing precision munitions and causing additional and unnecessary death and destruction, or putting your own people in harm's way unnecessarily out of some misguided notion of fair play.

Conclusion: Drones and the Threshold to the Use of Military Force

There is an argument that precision standoff weapons such as drones offer policy makers an option for direct action that would simply not be present, or at least realistic, using more conventional tools in the military toolbox. The 'CNN effect', refers to the expectation that public support for military action will fall away as civilian casualties mount and friendly forces become casualties in increasing numbers.⁴¹ If both of these considerations can be minimised through the use of precision weapons, remotely piloted from afar, the argument follows that public resolve can therefore be maintained – an essential consideration when democracies want to use military force, particularly where vital national interests are not obviously at stake. By lowering the potential political costs, this can, in turn, make it easier to intervene militarily where it might simply have been impossible to do so before. For example, it is unlikely that the United States would have been politically able to justify the killing of the Al Qaeda leader Qaed Senyan al-Harhi, thought to be responsible for the October 2000 bombing of the *USS Cole*, using a Predator drone, if they had needed to actually invade Yemen with 'boots on the ground' to do it.⁴²

³⁷ P.W. Singer, 'The Ethics of Killer Applications: Why is it So Hard to Talk About Morality When it Comes to New Military Technology?', *Journal of Military Ethics*, 9/4 (2010), p.310.

³⁸ H. Münkler, *Die neuen Kriege* (Hamburg: Rowohlt, 2003), quoted and translated in U. Steinhoff, 'Torture: The Case for Dirty Harry and Against Alan Dershowitz', *Journal of Applied Philosophy*, 23 (2006), pp.337–53.

³⁹ Singer, *Wired for War*, p.324.

⁴⁰ See David Whetham, 'The Just War Tradition: A Pragmatic Compromise', in Whetham, *Ethics, Law and Military Operations*, p.21.

⁴¹ Whether or not the CNN effect is real is less important than the assumption by many policy makers that it is real.

⁴² 'CIA "Killed al-Qaeda Suspects" in Yemen', *BBC News*, 5 November 2002, <<http://news.bbc.co.uk/1/hi/2402479.stm>>

This potential lowering of the political threshold appears to open up opportunities to use military force in situations where it would have been far harder in the past, but is this actually a good thing? Can one imagine President Obama promising to engage terrorists in Pakistan with or without the support of the Pakistan Government if it still required squadrons and squadrons of aircraft, suppression of enemy air defences and so on? 'We're not really violating Pakistan's sovereignty; it's only a drone.' This attitude can lead to the promotion of wars in which there is no real moral commitment to the struggle. As was darkly joked in 1999 when NATO was willing to bomb to stop a massacre, but only as long as pilots were not put at risk by flying below 15,000ft, 'the life of one NATO soldier is worth 20,000 Kosovars'.⁴³ 'Are we on the eve of a new age of "drive-by" wars, in which American power can strike anywhere, in near certainty that neither its civilians nor its soldiers will ever be put at risk?'⁴⁴

The reduction or even elimination of risk offered by precision standoff means that it *is* easier to resort to the use of force and this risks making what should be a tool of last resort a first or at least early response to any crisis. This has to be profoundly worrying. Strawser argues that even if this argument at first appears to be 'intuitively plausible', it ultimately fails as a valid objection because it does not negate the moral imperative to use drones or other standoff weapons when they are available and equally effective.⁴⁵ I accept that at the tactical and operational level there might indeed be a moral imperative to reduce the risk to our own personnel where it is possible to do so. It is indeed 'wrong to command someone to take on *unnecessary* potentially lethal risks in an effort to carry out a just action for some good'.⁴⁶ The very reduction in that risk might, however, actually contribute to failure at the strategic level resulting in the conclusion that taking some risk might be necessary to achieve one's political aims. Why should the 'losing side' accept their defeat? Perhaps there is a lesson to be drawn from the experience of the Sunni Triangle in Iraq: 'the future hotbed of rebellion wasn't occupied until weeks after Baghdad fell in 2003, and local would-be insurgents instead got the signal that they had never been defeated'.⁴⁷ New generations of standoff weapons seem to demonstrate 'an ability to kill *but little or no willingness to die* for the West's causes'.⁴⁸ Technological advantages might actually be sending a message of a fundamental lack of resolve to see an issue through to the end. It is, after all, the 'willingness to take mortal risk [that] is what makes military deterrence believable'.⁴⁹ In Beirut, those on the receiving end of unmanned targeting and the 'all-seeing eye in the sky' saw the result as a 'spurring of mass identity politics ... as an antidote to the technology discrepancy ... they [Israelis and American] don't want to fight us like real men, but are afraid to fight. So we just have to kill a few of their soldiers to defeat them'.⁵⁰ It was not the bombing from above a safe distance of 15,000ft that led to success in Kosovo, it was the eventual credible threat of substantial numbers of boots on the ground combined with real political pressure from the international community – a demonstration of both credible means and genuine resolve. We might well find ourselves getting into

⁴³ Singer, *Wired for War*, p.324.

⁴⁴ Michael Ignatieff, 'To Fight But Not to Die', *The World Today*, February 2000, p.21.

⁴⁵ Strawser, *Moral Predators*, p.358.

⁴⁶ Ibid. p.344.

⁴⁷ Singer, *Wired for War*, p.308.

⁴⁸ Whetham, *Ethics, Law and Conflict*, p.22.

⁴⁹ Ignatieff, p.23.

⁵⁰ Rami Khouri, an 'Arab moderate', quoted in Singer, *Wired for War*, pp.308–9.

future situations more easily because of the apparent low cost of action only to find that we have started something that we do not have the stomach or the tools to finish.

The removal of our own military personnel from harm's way wherever possible might also have other implications for our own civilian population who might themselves start to be seen as legitimate targets. It seems a small jump to go from targeting a family car carrying a drone operator to work, to building a justification for attacking other civilian targets in a country. If it is impossible to hurt a state's *military* assets due to it relying predominantly on drones, how does one fight back against that state? If there are no legitimate targets for you to strike, does that mean you may broaden the permitted range of targets if the stakes are high enough? Does this justify the breaking of the normal rules due to the creation of some sort of 'supreme emergency' where an effective response within the normal rules of *in bello* is simply impossible?

The term 'supreme emergency' was coined by Winston Churchill to depict the terrible situation that Britain found herself in early in 1941: faced with imminent invasion and with only RAF Bomber Command as an effective offensive weapon. There was little doubt regarding the terrible cost of defeat to the Nazi powers and the existential crisis was seen to justify using those bombers against the only target that could be struck given the limits of technology at the time: German cities and the German people.⁵¹ This supreme emergency passed as other theatres of operation opened up, new allies joined the struggle, technology improved allowing more accurate targeting and, most importantly, the threat of the imminent invasion of Britain passed. As the emergency passed, the deliberate bombing of German civilians became increasingly difficult to justify on moral grounds (although, of course, it continued anyway).⁵² The existential test for supreme emergency and the contentious leeway it offers is a very hard one to pass (if it can be passed at all) but it is easy to see how such arguments can be made to sound convincing to those who feel powerless in the face of overwhelming technological superiority. Once this feeling of impotence is combined with rhetoric that convinces a population that they are being 'exterminated' by a faceless enemy that is impossible to counter, taking the war to that enemy's undefended homeland and targeting the civilian population there in order to stop the attacks on your own homeland seem much easier to justify.

It would be churlish not to acknowledge that drone technology offers a whole range of military advantages and that many of these are to be welcomed from an ethical perspective. However, there are a number of challenges that potentially come to a head if drones go from being one of many tools to being *the* tool of military and political choice. The ability to conduct standoff wars in a way that minimizes risks to non-combatants might well lower the political threshold to employing military force, making the occurrence of war more frequent. At the same time, it might make those conflicts more difficult to resolve due to the lack of will to put our own people in harm's way when required. Getting involved more often in other people's affairs while relying overwhelmingly on military tools that reduce or eliminate risk to our own combatants, ironically, might also increase the risk to our own civilian population. Some see robots as our 'answer to the suicide bomber',⁵³ but what if an over-reliance on that remote approach to war becomes the very thing that inspires them?

⁵¹ See Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), pp.251–68.

⁵² See Grayling, *Among the Dead Cities*.

⁵³ US Navy researcher Bart Everett, quoted in Singer, *Wired for War*, p.62.